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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/765,491

**Applicant(s)**

STEWART, CHRISTOPHER

**Examiner**

JASON K. LIN

**Art Unit**

2425

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 12, 13, 38, 39 and 49-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13, 38, 39 and 49-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is responsive to application No. 10/765,491 filed on 05/04/2009.

**Claims 1-10, 12, 13, 38, 39, and 49-57** are pending and have been examined.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/04/2009 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to **Claims 1-10, 12, 13, 38, 39, and 49-57** have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 7,171,174), in view of Halliday (US 2008/0140852), and further in view of Stumphauzer, II (US 2003/0014767).

Consider **claim 38**, Ellis teaches an entertainment system that enables the selective transfer of entertainment files (Fig.1; Col 3: lines 29-32) comprising:

a satellite broadcasting system for transmitting a broadcast stream (Col 4: line 9, Col 10: lines 19-21, Col 11: lines 25-26);

retrieves the plurality of entertainment files for streaming transmission over a respective plurality of channels in the broadcast stream (Fig.1; Col 19: lines 23-27 teaches tuning into different channels from source. *Therefore, entertainment files are retrieved and streamed over a plurality of channels, from a provider source*);

user rating information for said entertainment files for a plurality of users stored on the system server, where the system server retrieves the unique user rating information for each of a plurality of users (Col 6: lines 29-39, Col 29: lines 30-37, Col 30: lines 16-18 teaches user profile information stored on a server for each particular user that can be retrieved for download/synchronize to the user device. Col 19: lines 42-59 teaches these user preferences contain a level of user's like or dislike for an entertainment file);

a plurality of user entertainment systems receiving the broadcast stream (Col 3: lines 29-33 teaches multiple receivers receiving broadcast stream), each system comprising:

a user output device (Display device 150, Audio Output 130 -

Fig.1);

a receiver, where the receiver reviews the current entertainment guide for the streaming entertainment files, and tunes to one of said plurality of channels to direct a file that meets a user's preferences to the user output device for real-time playback of the streaming transmission (Col 9: lines 52-60, Col 22: lines 6-11 teaches receiver selectively tuning to a song that the listener likes. Col 19: lines 42-59 teaches these user preferences contain a level of user's like or dislike for an entertainment file. Col 24: lines 22-25 teaches a specific item may be recognized by the system via the program schedule); and

Ellis does not explicitly teach a system server, said system server residing at a communication center;

a system database, said system database residing at the communication center and accessible by the system server;

a plurality of entertainment files stored on the system database, where the system server retrieves the plurality of entertainment files;

a current entertainment guide for the streaming entertainment files, where the system server retrieves the current entertainment guide for streaming transmission in the broadcast stream;

user rating information for said entertainment files for a plurality of users stored on the system database, where the system server retrieves the unique user rating information for each of a plurality of users for streaming transmission in the broadcast stream;

a receiver, where the receiver downloads the current entertainment guide and retrieves its unique user rating information from the broadcast stream, reviews the current entertainment guide for streaming files, ranks those files based upon the retrieved user rating information.

In an analogous art, Halliday teaches a system server, said system server residing at the communication center (server 130-Fig.1, 230-Fig.2; Paragraph 0020);

a system database, said system database residing at the communication center and accessible by the system server (Paragraph 0020, 0022 teaches database(s) which the server has access to and that it is stored at the communication center);

a plurality of entertainment files stored on the system database, where the system server retrieves the plurality of entertainment file (Paragraph 0047 teaches multiple webcasters. Paragraph 0064 teaches the webcaster may upload the entire work to the server where it is then stored and later streamed. *Therefore, the work is retrieved by the system server*);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Ellis' system to include a system server, said system server residing at a communication center; a system database, said system database residing at the communication center and accessible by the system server; a plurality of entertainment files stored on the system database, where the system server retrieves the plurality of entertainment files, as taught by Halliday, for the

advantage of providing greater control/access over content, organizing it in an efficient manner, allowing for more efficient retrieval and distribution of entertainment items to users.

Ellis and Halliday do not explicitly teach a current entertainment guide for the streaming entertainment files, where the system server retrieves the current entertainment guide for streaming transmission in the broadcast stream;

user rating information for said entertainment files for a plurality of users stored on the system database, where the system server retrieves the unique user rating information for each of a plurality of users for streaming transmission in the broadcast stream;

a receiver, where the receiver downloads the current entertainment guide and retrieves its unique user rating information from the broadcast stream, reviews the current entertainment guide for streaming files, ranks those files based upon the retrieved user rating information.

In an analogous art Stumphauzer teaches a current entertainment guide for the streaming entertainment files, where the system server retrieves the current entertainment guide for streaming transmission in the broadcast stream (Paragraph 0046-0047 teaches receiving the PDT {guide} for all of the channels from the channels. Paragraph 0016-0017 teaches methods of transmission for the system via satellite);

user rating information for said entertainment files for a plurality of users stored on the system database, where the system server retrieves the unique

user rating information for each of a plurality of users for streaming transmission in the broadcast stream (Paragraph 0032 teaches storing the playlist containing rating information for each desired song. Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite);

a receiver, where the receiver downloads the current entertainment guide and retrieves its unique user rating information from the broadcast stream (Paragraph 0046-0047 teaches receiving the PDT {guide} for all of the channels from the channels. Paragraph 0016-0017 teaches methods of transmission for the system via satellite. Paragraph 0032 teaches storing the playlist containing rating information for each desired song. Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite), reviews the current entertainment guide for streaming files, ranks those files based upon the retrieved user rating information (Paragraph 0022 teaches the PDT contains information about programming currently being broadcast and to be broadcasted on each channel. Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis and Halliday to include a current entertainment



guide for the streaming entertainment files, where the system server retrieves the current entertainment guide for streaming transmission in the broadcast stream; user rating information for said entertainment files for a plurality of users stored on the system database, where the system server retrieves the unique user rating information for each of a plurality of users for streaming transmission in the broadcast stream; a receiver, where the receiver downloads the current entertainment guide and retrieves its unique user rating information from the broadcast stream, reviews the current entertainment guide for streaming files, ranks those files based upon the retrieved user rating information, as taught by Stumphauzer, for the advantage of vastly improving a listener's enjoyment of content, by allowing the system to automatically seek and tune to desired selections without having the user constantly scan and flip through channels (Stumphauzer - Paragraph 0003), allowing the user to listen/view content with ease, and quickly providing to the receiver valuable schedule information over a high bandwidth path, efficiently using and making the most out of bandwidth available.

6. **Claims 1-10, 12, 13, 39, and 49-57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 7,171,174), in view of Halliday (US 2008/0140852), in view of Stumphauzer, II (US 2003/0014767), and further in view of Rosenberg et al (US 7,321,923).

Consider **claim 1**, Ellis teaches an interactive entertainment system (Figs.1-3a; Col 3: lines 46-52) comprising:

a satellite broadcasting system for transmitting a broadcast stream (Col 4: line 9, Col 10: lines 19-21, Col 11: lines 25-26);

retrieves the plurality of entertainment files for streaming transmission over a respective plurality of channels in the broadcast stream (Fig.1; Col 19: lines 23-27 teaches tuning into different channels from source. *Therefore, entertainment files are retrieved and streamed over a plurality of channels, from a provider source*);

user rating information for said entertainment files for a plurality of users stored on the system server, where the system server retrieves the unique user rating information for each of a plurality of users (Col 6: lines 29-39, Col 29: lines 30-37, Col 30: lines 16-18 teaches user profile information stored on a server for each particular user that can be retrieved for download/synchronize to the user device. Col 19: lines 42-59 teaches these user preferences contain a level of user's like or dislike for an entertainment file);

a plurality of user entertainment systems receiving the broadcast stream (Col 3: lines 29-33 teaches multiple receivers receiving broadcast stream), each system comprising:

a user output device (Display device 150, Audio Output 130 - Fig.1);

a receiver, where the receiver reviews a current entertainment guide for the streaming entertainment files and is selectively tuned to one of said plurality of channels in the broadcast stream based on user rating information to direct a preferred streaming entertainment file to the user output device for real-time playback of the streaming transmission (Col 9: lines 52-60, Col 22: lines 6-11 teaches receiver selectively tuning to a song that the listener likes. Col 19: lines 42-59 teaches these user preferences contain a level of user's like or dislike for an entertainment file. Col 24: lines 22-25 teaches a specific item may be recognized by the system via the program schedule); and

a user input device, where said user input device feedback regarding the user rating of said streaming entertainment file (Col 9: lines 52-59, Col 12: lines 51-53, Col 12: line 67 – Col 13: line 2, Col 19: lines 42-55 teaches user may provide a level of like or dislike for a particular content item. Col 26: lines 17-21 teaches that user preference (ie. such as level of like or dislike) may be entered and stored on a site).

Ellis does not explicitly teach a system server, said system server residing at a communication center;

a system database, said system database residing at the communication center and accessible by the system server;

a plurality of entertainment files stored on the system database, where the system server retrieves the plurality of entertainment files;

user rating information for said entertainment files for a plurality of users stored on the system database, where the system server retrieves the unique user rating information for each of a plurality of users for streaming transmission in the broadcast stream;

a receiver, where the receiver retrieves its unique user rating information from the broadcast stream;

a user input device, where said user input device enables a user to interact with the system server and the system database via the receiver, where the user provides real time feedback regarding the user rating of said streaming entertainment file to submit an updated user rating that is transmitted to the communication center via a second communication network and stored on the system database for retrieval during subsequent streaming of the unique user rating information for each of said plurality of users in the broadcast stream.

In an analogous art, Halliday teaches a system server, said system server residing at the communication center (server 130-Fig.1, 230-Fig.2; Paragraph 0020);

a system database, said system database residing at the communication center and accessible by the system server (Paragraph 0020, 0022 teaches database(s) which the server has access to and that it is stored at the communication center);

a plurality of entertainment files stored on the system database, where the system server retrieves the plurality of entertainment file (Paragraph 0047 teaches multiple webcasters. Paragraph 0064 teaches the webcaster may upload the entire work to the server where it is then stored and later streamed. *Therefore, the work is retrieved by the system server*);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Ellis' system to include a system server, said system server residing at a communication center; a system database, said system database residing at the communication center and accessible by the system server; a plurality of entertainment files stored on the system database, where the system server retrieves the plurality of entertainment files, as taught by Halliday, for the advantage of providing greater control/access over content, organizing it in an efficient manner, allowing for more efficient retrieval and distribution of entertainment items to users.

Ellis and Halliday do not explicitly teach user rating information for said entertainment files for a plurality of users stored on the system database, where the system server retrieves the unique user rating information for each of a plurality of users for streaming transmission in the broadcast stream;

a receiver, where the receiver retrieves its unique user rating information from the broadcast stream;

a user input device, where said user input device enables a user to interact with the system server and the system database via the receiver,

where the user provides real time feedback regarding the user rating of said streaming entertainment file to submit an updated user rating that is transmitted to the communication center via a second communication network and stored on the system database for retrieval during subsequent streaming of the unique user rating information for each of said plurality of users in the broadcast stream.

Stumphauzer teaches user rating information for said entertainment files for a plurality of users stored on the system database, where the system server retrieves the unique user rating information for each of a plurality of users for streaming transmission in the broadcast stream (Paragraph 0032 teaches storing the playlist containing rating information for each desired song. Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite);

a receiver, where the receiver retrieves its unique user rating information from the broadcast stream (Paragraph 0034-0035);

user rating stored on the system database for retrieval during subsequent streaming of the unique user rating information for each of said plurality of users in the broadcast stream (Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, and Stumphauzer to include user rating

information for said entertainment files for a plurality of users stored on the system database, where the system server retrieves the unique user rating information for each of a plurality of users for streaming transmission in the broadcast stream; user rating stored on the system database for retrieval during subsequent streaming of the unique user rating information for each of said plurality of users in the broadcast stream, as taught by Stumphauzer, for the advantage of vastly improving a listener's enjoyment of content, by allowing the system to automatically seek and tune to desired selections without having the user constantly scan and flip through channels (Stumphauzer - Paragraph 0003), allowing for centralized control/storage of user information in an efficient manner, that aids in allowing the user to listen/view content with ease.

Ellis, Halliday, and Stumphauzer do not explicitly teach a user input device, where said user input device enables a user to interact with the system server and the system database via the receiver, where the user provides real time feedback regarding the user rating of said streaming entertainment file to submit an updated user rating that is transmitted to the communication center via a second communication network and stored on the system database.

In analogous art Rosenberg teaches a user input device, where said user input device enables a user to interact with the system server and the system database via the receiver, where the user provides real time feedback regarding the user rating of said streaming entertainment file to submit an updated user rating that is transmitted to the communication center via a second

communication network (Col 10: lines 8-57 teaches the user providing real time feedback on the currently playing entertainment file, which transmits an updated user rating to the server 280-Fig.2. Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, and Stumphauzer to include a user input device, where said user input device enables a user to interact with the system server and the system database via the receiver, where the user provides real time feedback regarding the user rating of said streaming entertainment file to submit an updated user rating that is transmitted to the communication center via a second communication network and stored on system database, as taught by Rosenberg, for the advantage of allowing users to quickly rate content immediately, eliminating possibilities where users may end up forgetting to rate desired/undesired content and providing a unified and central location for storage of information, allowing for better organization and management.

Consider **claim 49**, Ellis teaches a method of transmitting entertainment files through a plurality of receivers at respective user receiver sites (Col 3: lines 29-33 teaches multiple receivers receiving broadcast stream), comprising the steps of:



a. a plurality of entertainment files and unique user rating information for a plurality of users (Fig.1; Col 19: lines 23-27 teaches tuning into different channels from source. *Therefore, entertainment files are retrieved and streamed over a plurality of channels, from a provider source.* Col 6: lines 29-39, Col 29: lines 30-37, Col 30: lines 16-18 teaches user profile information stored on a server for each particular user that can be retrieved for download/synchronize to the user device. Col 19: lines 42-59 teaches these user preferences contain a level of user's like or dislike for an entertainment file);

c. streaming a plurality of entertainment files on a respective plurality of channels in the broadcast stream to the receivers via the satellite broadcasting system and at each of a plurality of user receiver sites (Fig.1; Col 19: lines 23-27 teaches tuning into different channels from source. *Therefore, entertainment files are retrieved and streamed over a plurality of channels, from a provider source.* Col 4: line 9, Col 10: lines 19-21, Col 11: lines 25-26 teaches satellite transmission. Col 3: lines 29-33 teaches multiple receivers receiving broadcast stream),

d. retrieving the user's unique user rating information and selectively tuning an input of the receiver to one of said channels in the broadcast to retrieve one of the entertainment files based upon the user rating information on the currently streaming files and directing the retrieved file to a receiver output (Display device 150, Audio Output 130 - Fig.1; Col 9: lines 52-60, Col 22: lines 6-11 teaches receiver selectively tuning to a song that the listener likes. Col 19:

lines 42-59 teaches these user preferences contain a level of user's like or dislike for an entertainment file. Col 24: lines 22-25 teaches a specific item may be recognized by the system via the program schedule);

e. directing the streaming entertainment file from the receiver output to a user output device that plays the streaming entertainment file in real-time (Display device 150, Audio Output 130 - Fig.1; Col 20: lines 64-66 teaches output of the entertainment file in real time);

f. providing real time user feedback regarding the user rating of said streaming entertainment file (Col 9: lines 52-59, Col 12: lines 51-53, Col 12: line 67 – Col 13: line 2, Col 19: lines 42-55 teaches user may provide a level of like or dislike for a particular content item); and

Ellis does not explicitly teach a. storing a plurality of entertainment files and unique user rating information for a plurality of users on a database;

b. streaming the user rating information for said plurality of users in a broadcast stream via a satellite broadcasting system to the receivers;

d. retrieving the user's unique user rating information from the broadcast stream and selectively tuning an input of the receiver to one of said channels in the broadcast to retrieve one of the entertainment files based upon the user rating information on the currently streaming files and directing the retrieved file to a receiver output;

f. providing real time user feedback regarding the user rating of said streaming entertainment file to submit an updated user rating; and

g. transmitting the user feedback via a second communication network to store the updated user rating on the database for subsequent streaming in the broadcast stream.

In an analogous art Halliday teaches a. storing a plurality of entertainment files on a database (Paragraph 0020 teaches databases on a server. Paragraph 0047 teaches multiple webcasters. Paragraph 0064 teaches the webcaster may upload the entire work to the server where it is then stored and later streamed to the Global Communication Network);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Ellis' system to include a. storing a plurality of entertainment files on a database, as taught by Halliday, for the advantage of providing greater control/access over content, organizing it in an efficient manner, allowing for more efficient retrieval and distribution of entertainment items to users.

Ellis and Halliday do not explicitly teach a. storing unique user rating information for a plurality of users on a database;

b. streaming the user rating information for said plurality of users in a broadcast stream via a satellite broadcasting system to the receivers;

d. retrieving the user's unique user rating information from the broadcast stream and selectively tuning an input of the receiver to one of said channels in the broadcast to retrieve one of the entertainment files based upon the user rating information on the currently streaming files and directing the retrieved file to a receiver output;

f. providing real time user feedback regarding the user rating of said streaming entertainment file to submit an updated user rating; and

g. transmitting the user feedback via a second communication network to store the updated user rating on the database for subsequent streaming in the broadcast stream.

In an analogous art Stumphauzer teaches a. storing unique user rating information for a plurality of users on a database; b. streaming the user rating information for said plurality of users in a broadcast stream via a satellite broadcasting system to the receivers (Paragraph 0032 teaches storing the playlist containing rating information for each desired song. Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite);

d. retrieving the user's unique user rating information from the broadcast stream and selectively tuning an input of the receiver to one of said channels in the broadcast to retrieve one of the entertainment files based upon the user rating information on the currently streaming files and directing the retrieved file to a receiver output (Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content).

g. subsequent streaming of user ratings in the broadcast stream  
(Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis and Halliday to include, a. storing unique user rating information for a plurality of users on a database; b. streaming the user rating information for said plurality of users in a broadcast stream via a satellite broadcasting system to the receivers; d. retrieving the user's unique user rating information from the broadcast stream and selectively tuning an input of the receiver to one of said channels in the broadcast to retrieve one of the entertainment files based upon the user rating information on the currently streaming files and directing the retrieved file to a receiver output, as taught by Stumphauzer, for the advantage of vastly improving a listener's enjoyment of content, by allowing the system to automatically seek and tune to desired selections without having the user constantly scan and flip through channels (Stumphauzer - Paragraph 0003), allowing the user to listen/view content with ease.

Ellis, Halliday, and Stumphauzer do not explicitly teach f. providing real time user feedback regarding the user rating of said streaming entertainment file to submit an updated user rating; and

g. transmitting the user feedback via a second communication network to store the updated user rating on the database;

In an analogous art, Rosenberg teaches f. providing real time user feedback regarding the user rating of said streaming entertainment file to submit an updated user rating (Col 10: lines 8-57 teaches the user providing real time feedback on the currently playing entertainment file, which transmits an updated user rating to the server 280-Fig.2); and

g. transmitting the user feedback via a second communication network to store the updated user rating on the database (Col 10: lines 8-57 teaches the user providing real time feedback on the currently playing entertainment file, which transmits an updated user rating to the server 280-Fig.2. Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, and Stumphauzer to include f. providing real time user feedback regarding the user rating of said streaming entertainment file to submit an updated user rating; and g. transmitting the user feedback via a second communication network to store the updated user rating on the database, as taught by Rosenberg, for the advantage of allowing users to quickly rate content immediately, eliminating possibilities where users may end up forgetting to rate desired/undesired content and providing a unified and central location for storage of information, allowing for better organization and management.

Consider **claim 2**, Ellis, Halliday, Stumphauzer, and Rosenberg teach where said plurality of entertainment files contain audio content (Ellis - Abstract, Col 3: lines 29-41 teaches audio content).

Consider **claim 3**, Stumphauzer further teaches where said plurality of entertainment files contain video content (Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, Stumphauzer, and Rosenberg to include where said plurality of entertainment files contain video content, as further taught by Stumphauzer, for the advantage of providing visual programming choices to the user, providing a greater sensory and entertaining experience to the user.

Consider **claim 4**, Ellis, Halliday, Stumphauzer, and Rosenberg teach where said plurality of entertainment files contain audio content (Ellis - Abstract, Col 3: lines 29-41 teaches audio content).

Stumphauzer further teaches where said plurality of entertainment files contain both video and audio content (Paragraph 0015 teaches programming can

be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, Stumphauzer, and Rosenberg to include where said plurality of entertainment files contain both video and audio content, as further taught by Stumphauzer, for the advantage of providing greater selection of entertainment for users, by offering both audio and visual programming choices to the user, providing a more complete and satisfying entertaining experience to the user.

Consider **claim 5**, Ellis, Halliday, Stumphauzer, and Rosenberg teach where said audio content includes songs (Ellis - Abstract, Col 3: lines 29-41 teaches audio content. Col 5: lines 11-16, 24-30 teaches audio content that are songs).

Consider **claim 6**, Ellis, Halliday, Stumphauzer, and Rosenberg teach where said songs include a plurality of music genres (Ellis – Col 25: lines 19-43 teaches different genres of music that may be received from stations that can be selected via user's preferences).



Consider **claim 7**, Stumphauzer further teaches a plurality of music genres are categorized (Paragraph 0028 teaches that a specific selection of songs could be “artists from the eighties, or baroque classical music.” Paragraph 0029 teaches music can be ranked with numbers, with the higher number taking precedence over the smaller one. As shown on Fig. 6, the plurality of music can be prioritized according to rank selections Fig. 6, 6070, thereby categorized by rank) and streamed for listening through the user output device (Paragraph 0018 teaches processing a signal that provides broadcast output of the signal for listening by a user. Fig. 2 and paragraph 0020 teaches a display Fig.2, 2160 and input/output device(s) Fig.2, 2170).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, Stumphauzer, and Rosenberg to include a plurality of music genres are categorized and streamed for listening through the user output device, as further taught by Stumphauzer, for the advantage of organizing content to provide the user desired playback in an efficient manner.

Consider **claim 8**, Stumphauzer further teaches said video and audio content includes televised programming (Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, Stumphauzer, and Rosenberg to include said video and audio content includes televised programming, as further taught by Stumphauzer, for the advantage of providing greater selection of entertainment for users, by offering both audio and visual programming choices to the user, providing a more complete and satisfying entertaining experience to the user.

Consider **claim 9**, Ellis, Halliday, Stumphauzer, and Rosenberg teach where said reception device provides two way communications between the user and the system server via a bi-directional network that includes the satellite broadcast system and second communication network (Ellis - Col 4: line 9, Col 10: lines 19-21, Col 11: lines 25-26 teaches a satellite broadcasting network. Field of Invention, Col 6: line 66 – Col 7: line 7, Col 26: lines 17-21 teaches utilizing a two-way communication network {second communication network} to respond to the provider. Col 10: line 59 - Col 11: line 3 teaches the different mediums that the second communication network can be. Stumphauzer - Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite. Paragraph 0021 teaches numerous channels transmitted from satellite Fig.1, 1020 to a receiver Fig.1, 1040. The channels may contain different genre types of content. Rosenberg - Col 10: lines 8-57 teaches the user providing real time feedback on

the currently playing entertainment file, which transmits an updated user rating to the server 280-Fig.2. Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums).

Consider **claim 10**, Ellis, Halliday, Stumphauzer, and Rosenberg teach where said satellite broadcast system and second communication network are different networks (Ellis - Col 4: line 9, Col 10: lines 19-21, Col 11: lines 25-26 teaches a satellite broadcasting network. Field of Invention, Col 6: line 66 – Col 7: line 7, Col 26: lines 17-21 teaches utilizing a two-way communication network {second communication network} to respond to the provider. Col 10: line 59 - Col 11: line 3 teaches the different mediums that the second communication network can be. Stumphauzer - Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods, such as satellite. Paragraph 0021 teaches numerous channels transmitted from satellite Fig.1, 1020 to a receiver Fig.1, 1040. The channels may contain different genre types of content. Rosenberg - Col 10: lines 8-57 teaches the user providing real time feedback on the currently playing entertainment file, which transmits an updated user rating to the server 280-Fig.2. Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums).

Consider **claim 12**, Ellis, Halliday, Stumphauzer, and Rosenberg teach where the second communication network is an internet connection (Ellis – Col 10: lines 60-62 teaches where the network can be modem, DSL, etc; Halliday – Paragraph 0014 teaches a multitude of communication mediums used in the GCN. Rosenberg - Fig.2; Col 5: lines 24-35 teaches the receiver can receive data streams and transmit data as well from any one of or a combination of mediums, wherein one of the mediums can be through a network (e.g. the Internet).

Consider **claim 13**, Ellis, Halliday, Stumphauzer, and Rosenberg teach where said reception device includes a user database (Ellis - Col 26: lines 16-32 teaches user preference information stored in memory).

Consider **claim 39**, Stumphauzer further teaches first selecting another entertainment file having a higher ranking than the blocked file, tune to the corresponding channel and stream the selected entertainment file to the user output device (Paragraph 0049-0050 teaches selecting and tuning to an entertainment file having a higher ranking than the blocked file).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, and Stumphauzer to include first selecting another entertainment file having a higher ranking than the blocked file,

tune to the corresponding channel and stream the selected entertainment file to the user output device, as further taught by Stumphauzer, for the advantage of vastly improving a listener's enjoyment of content, by allowing the system to automatically seek and tune to desired selections without having the user constantly scan and flip through channels (Stumphauzer - Paragraph 0003), allowing the user to listen/view content with ease.

Ellis, Halliday, and Stumphauzer do not explicitly teach a user input device, where said user input device enables a user to press a blocker key to block play of the retrieved and currently streaming entertainment file without specifying a different entertainment file causing the receiver to first try to select another entertainment file, selecting the next highest ranked entertainment file having a ranking equal to or less than the blocked file, said user input device enables a user to interact with the system server and the system database via the receiver, where the user provides real time feedback including blocking and rating said entertainment files to update the user rating information stored on the system database for retrieval during subsequent streaming in the broadcast stream.

In an analogous art, Rosenberg teaches a user input device, where said user input device enables a user to press a blocker key to block play of the retrieved and currently streaming entertainment file without specifying a different entertainment file causing the receiver to first try to select another entertainment file, selecting the next highest ranked entertainment file having a ranking equal to

or less than the blocked file (Col 5: lines 44-54 teaches a user interface including input devices that allow the user to input commands and make selections. Col 10: lines 41-57 teaches allowing the user to block the current playing entertainment file, where upon blocking another entertainment file is selected to be reproduced. *The blocker key can be a key on the input device that allows the user to issue the block command*), said user input device enables a user to interact with the system server and the system database via the receiver, where the user provides real time feedback including blocking and rating said entertainment files to update the user rating information stored on the system database for retrieval during subsequent streaming in the broadcast stream (Col 19: lines 28-30, 34-39 teaches streaming entertainment files to the client from the server. Col 10: lines 5-40 teaches allowing the user to rate the entertainment file that is being played. Col 10: lines 41-57 teaches allowing the user to block the current playing entertainment file, where upon blocking another entertainment file is selected to be reproduced. Col 10: lines 14-20, 50-55 teaches sending an updated user rating to the system server to update the user profile).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, and Stumphauzer to include a user input device, where said user input device enables a user to press a blocker key to block play of the retrieved and currently streaming entertainment file without specifying a different entertainment file causing the receiver to first try to select another entertainment file, selecting the next highest ranked entertainment file

having a ranking equal to or less than the blocked file, said user input device enables a user to interact with the system server and the system database via the receiver, where the user provides real time feedback including blocking and rating said entertainment files to update the user rating information stored on the system database for retrieval during subsequent streaming in the broadcast stream, as taught by Rosenberg, for the advantage of allowing users to quickly rate content immediately, eliminating possibilities where users may end up forgetting to rate desired/undesired content, providing users with greater control over their entertainment experience allowing them to cease play of undesired content be provided with more desirable content at a push of a button, creating a more pleasant and complication free system for the user. Therefore, in the combination of Ellis, Halliday, Stumphauzer, Rosenberg, a file with a higher rating is tuned to first, but if not present (if unsuccessful), it defaults to selecting another entertainment file equal or less than the blocked file to be outputted.

Consider **claim 50**, Ellis, Halliday, Stumphauzer, Rosenberg teach wherein said user feedback includes nothing, blocking and rating the currently streaming entertainment file, said receiver responding to the do nothing or rating by continuing to stream the current entertainment file and responding to the blocking by tuning to a next channel (Ellis - Col 9: lines 52-59, Col 12: lines 51-53, Col 12: line 67 – Col 13: line 2, Col 19: lines 42-55 teaches user may provide a level of like or dislike for a particular content item. The user can also choose

not to input any rating or blocking, therefore during no action and rating, the entertainment file continues to play unchanged. Fig.1; Col 19: lines 23-27 teaches tuning into different channels from source. *Therefore, entertainment files are retrieved and streamed over a plurality of channels, from a provider source.* Rosenberg – Col 19: lines 28-30, 34-39 teaches streaming entertainment files to the client from the server. Col 10: lines 5-40 teaches allowing the user to rate the entertainment file that is being played. The user can also choose not to input any rating or blocking, therefore during no action and rating, the entertainment file continues to play unchanged. Col 10: lines 41-57 teaches allowing the user to block the current playing entertainment file, where upon blocking another entertainment file is selected to be reproduced. Stumphauzer - Paragraph 0021 teaches numerous channels transmitted from satellite Fig.1, 1020 to a receiver Fig.1, 1040).

Consider **claim 51**, Stumphauzer further teaches that said user rating information comprise ratings assigned by that user to said entertainment files (Paragraph 0029 teaches a ranking for each program on the user playlist), said receiver reviewing the currently streaming entertainment files, ranking those files based upon their ratings and retrieving the file that meets user's preferences (Paragraph 0022 teaches the PDT contains information about programming currently being broadcast and to be broadcasted on each channel. Paragraph 0046-0050 teaches automatically tuning to the specified channel containing



content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, Stumphauzer, and Rosenberg to include said user rating information comprise ratings assigned by that user to said entertainment files, said receiver reviewing the currently streaming entertainment files, ranking those files based upon their ratings and retrieving the file that meets user's preferences, as further taught by Stumphauzer, for the advantage of vastly improving a listener's enjoyment of content, by allowing the system to automatically seek and tune to desired selections without having the user constantly scan and flip through channels (Stumphauzer - Paragraph 0003), allowing the user to listen/view content with ease.

Consider **claim 52**, Ellis, Halliday, Stumphauzer, Rosenberg teach that said receiver reviews a current entertainment guide provided for the streaming entertainment files to rank the files (Stumphauzer - Paragraph 0022 teaches the PDT contains information about programming currently being broadcast and to be broadcasted on each channel. Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with

the user playlist {user's preferences} and matching the corresponding preferred content).

Consider **claim 53**, Stumphauzer further teaches that where said server retrieves the current entertainment guide for streaming transmission in the broadcast stream, each said receiver downloading the entertainment guide (Paragraph 0021 teaches transmitting channels of programming over a satellite Fig.1, 1020, as several clusters. Paragraph 0022 teaches that the PDT that contains information about programming currently being broadcast and to be broadcast on each channel is provided in each cluster).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, Stumphauzer, and Rosenberg to include where said server retrieves the current entertainment guide for streaming transmission in the broadcast stream, each said receiver downloading the entertainment guide, as further taught by Stumphauzer, for the advantage of quickly providing to the receiver valuable schedule information over a high bandwidth path, efficiently using and making the most out of bandwidth available.

Consider **claim 54**, Stumphauzer further teaches that said receiver first determines if the streaming entertainment file on the current channel has an acceptable rating and if acceptable continues to stream that entertainment file to the user output device (Paragraph 0049-0050 teaches if a rating of the current

file is acceptable, the current program continues to play), otherwise said receiver selects another higher rated entertainment file, tunes to the corresponding channel and streams that higher rated entertainment file to the user output device (Paragraph 0049-0050 teaches that if the program currently played can be interrupted, the higher ranked program will automatically tuned to. Paragraph 0018 teaches processing a signal that provides broadcast output of the signal for listening by a user. Fig. 2 and paragraph 0020 teaches a display Fig.2, 2160 and input/output device(s) Fig.2, 2170).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, Stumphauzer, and Rosenberg to include said receiver first determines if the streaming entertainment file on the current channel has an acceptable rating and if acceptable continues to stream that entertainment file to the user output device, otherwise said receiver selects another higher rated entertainment file, tunes to the corresponding channel and streams that higher rated entertainment file to the user output device, as further taught by Stumphauzer, for the advantage of vastly improving a listener's enjoyment of content, by allowing the system to automatically seek and tune to desired selections without having the user constantly scan and flip through channels (Stumphauzer - Paragraph 0003), allowing the user to listen/view content with ease.

Consider **claim 55**, Ellis, Halliday, Stumphauzer, Rosenberg teach wherein if the user presses a blocker key on the user input device to block the current streaming entertainment file without specifying a different entertainment file, said receiver tries to select another entertainment file, selecting the next highest entertainment file having a rating based on the user rating information equal to or less than the current entertainment file (Rosenberg – Col 5: lines 44-54 teaches a user interface including input devices that allow the user to input commands and make selections. Col 10: lines 41-57 teaches allowing the user to block the current playing entertainment file, where upon blocking another entertainment file is selected to be reproduced. The blocker key can be a key on the input device that allows the user to issue the block command)

Stumphauzer further teaches first selecting another entertainment file having a higher rating based on the user rating information, tunes to the corresponding channel and streams that next highest rated entertainment file to the user output device (Paragraph 0049-0050 teaches selecting and tuning to an entertainment file having a higher ranking than the blocked file).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, Stumphauzer, Rosenberg to include first selecting another entertainment file having a higher rating based on the user rating information, tunes to the corresponding channel and streams that next highest rated entertainment file to the user output device, as further taught by Stumphauzer, for the advantage of vastly improving a listener's enjoyment of

content, by allowing the system to automatically seek and tune to desired selections without having the user constantly scan and flip through channels (Stumphauzer - Paragraph 0003), allowing the user to listen/view content with ease. Therefore, in the combination of Halliday, Stumphauzer, Rosenberg, a file with a higher rating is tuned to first, but if not present (if unsuccessful), it defaults to selecting another entertainment file equal or less than the blocked file to be outputted.

Consider **claim 56**, Ellis, Halliday, Stumphauzer, and Rosenberg teach wherein said receiver is tuned to one said channel and streams the corresponding entertainment file to the user output device, said user input device enables the user to do nothing and rate the currently streaming entertainment file, said receiver responding to the do nothing or rating by continuing to stream the current entertainment file (Ellis - Col 9: lines 52-59, Col 12: lines 51-53, Col 12: line 67 – Col 13: line 2, Col 19: lines 42-55 teaches user may provide a level of like or dislike for a particular content item while the content item is playing).

Rosenberg further teaches, said user input device enables the user to do nothing, block, and rate the currently streaming entertainment file, said receiver responding to the do nothing or rating by continuing to stream the current entertainment file and responding to the block by tuning to a next channel (Col 19: lines 28-30, 34-39 teaches streaming entertainment files to the client from the server. Col 10: lines 5-40 teaches allowing the user to rate the entertainment file

that is being played. The user can also choose not to input any rating or blocking, therefore during no action and rating, the entertainment file continues to play unchanged. Col 10: lines 41-57 teaches allowing the user to block the current playing entertainment file, where upon blocking another entertainment file is selected to be reproduced), said rating and blocking being feedback to update the user rating information stored on the system database (Col 10: lines 14-20, 50-55 teaches sending an updated user rating to the system server to update the user profile).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Ellis, Halliday, and Stumphauzer to include said user input device enables the user to do nothing, block, and rate the currently streaming entertainment file, said receiver responding to the do nothing or rating by continuing to stream the current entertainment file and responding to the block by tuning to a next channel, said rating and blocking being feedback to update the user rating information stored on the system database, as taught by Rosenberg, for the advantage of allowing users to quickly rate content immediately, eliminating possibilities where users may end up forgetting to rate desired/undesired content, providing users with greater control over their entertainment experience allowing them to cease play of undesired content be provided with more desirable content at a push of a button, creating a more pleasant and complication free system for the user.

Consider **claim 57**, Ellis, Halliday, Stumphauzer, and Rosenberg teach streaming a current entertainment program for the streaming entertainment files in the broadcast stream (Ellis - Col 4: line 9, Col 10: lines 19-21, Col 11: lines 25-26 teaches satellite broadcasting {broadcast stream}. Fig.1; Col 19: lines 23-27 teaches tuning into different channels from source);

downloading the current entertainment program in the receiver at each user receiver site (Ellis - Col 3: lines 29-33 teaches multiple receivers receiving broadcast stream. Fig.1; Col 19: lines 23-27 teaches tuning into different channels from source. Col 4: lines 46-51 teaches recording of entertainment items received at the receiver site); and

at each user receiver site, reviewing the current entertainment guide to selectively tune the receiver to one of said plurality of channels based on the user rating information (Ellis - Col 9: lines 52-60, Col 22: lines 6-11 teaches receiver selectively tuning to a song that the listener likes. Col 19: lines 42-59 teaches these user preferences contain a level of user's like or dislike for an entertainment file. Col 24: lines 22-25 teaches a specific item may be recognized by the system via the program schedule).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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